

EXHIBIT 1

**REDACTED VERSION
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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WAYMO LLC,

Plaintiff,

vs.

No. 3:17-cv-00939-WHA

UBER TECHNOLOGIES, INC.;
OTTOMOTTO LLC; OTTO TRUCKING,
INC.,

Defendants.

/

WAYMO HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF DON BURNETTE
SAN FRANCISCO, CALIFORNIA
FRIDAY, AUGUST 18, 2017

BY: ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR ~
CSR LICENSE NO. 9830
JOB NO. 2681032
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1 Have you not worked on planner software at 10:26

2 Uber? 10:26

3 A I haven't written any software at Uber. 10:26

4 Q And obviously, you -- you took some steps to 10:26

5 make sure that whatever planner software you were 10:26

6 working on at Otto wouldn't use any of the 10:26

7 confidential Waymo information; right? 10:26

8 A Yes. 10:26

9 Q And so what -- when you were at Otto and when 10:26

10 you were writing planner software there, what -- what 10:26

11 aspects of what you had been working on at Waymo did 10:26

12 you consider to be off limits to use at Ottomoto, and 10:26

13 what portions did you consider to be something that 10:26

14 had already been known and, therefore, was something 10:26

15 you could use? 10:26

16 MS. HARTNETT: Objection. 10:26

17 MR. LIN: Objection; form. 10:26

18 THE WITNESS: So I don't -- like, none of the 10:26

19 code or concepts were taken from Waymo. 10:26

20 And we pretty much went to the drawing board 10:27

21 and said, How should we create this, based on what 10:27

22 we've seen in the industry, what people are -- people 10:27

23 are working on? What's in the academic research? 10:27

24 What we know about kind of good and -- good 10:27

25 and bad software practices. Like, how can we kind 10:27

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1 two levels. 10:28

2 One, it's different because we wrote it from 10:28
3 scratch, and it's going to be different out of the 10:28
4 fact that the chances of replicating software from 10:28
5 scratch being the same is very unlikely. 10:28

6 And two, we decided that the -- the 10:28
7 concept -- the fundamental concept that [REDACTED] at 10:28
8 Waymo was built on was not something we wanted to 10:28
9 pursue. 10:28

10 And technically, what that meant was, I 10:28
11 previously described Waymo's [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]

25 [REDACTED] [REDACTED] 10:29 10:29

1 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 10:29

8 And thus, all the building blocks of the 10:30
9 decisions, [REDACTED], are 10:30
10 all completely differently formulated mathematically, 10:30
11 and thus in code, to enable this type of trajectory 10:30
12 to -- to be solved, in a -- in a sense, to be 10:30
13 deter- -- to -- to be determined. 10:30

14 So -- so it's, like, kind of a fundamentally 10:30
15 different idea that we started with at Otto than what 10:30
16 Waymo was doing, in the sense that they're both 10:30
17 [REDACTED]. They both output some path to follow at the 10:30
18 end of the -- the step. 10:30

19 But the way we describe that path, and all 10:30
20 the building blocks and machinery that go into 10:30
21 generating the path, were different. 10:30

22 Q What -- what language is the Otto planner 10:30
23 written in? 10:30

24 A C++. 10:30

25 Q What language was the Waymo planner written 10:30

1 CERTIFICATE OF REPORTER
2

3 I, ANDREA M. IGNACIO, hereby certify that the
4 witness in the foregoing deposition was by me duly
5 sworn to tell the truth, the whole truth, and nothing
6 but the truth in the within-entitled cause;

7 That said deposition was taken in shorthand
8 by me, a disinterested person, at the time and place
9 therein stated, and that the testimony of the said
witness was thereafter reduced to typewriting, by
computer, under my direction and supervision;

10 That before completion of the deposition,
11 review of the transcript [x] was [] was not
12 requested. If requested, any changes made by the
13 deponent (and provided to the reporter) during the
period allowed are appended hereto.

14 I further certify that I am not of counsel or
15 attorney for either or any of the parties to the said
16 deposition, nor in any way interested in the event of
17 this cause, and that I am not related to any of the
18 parties thereto.

19 Dated: August 18, 2017
20

21 
22

23 ANDREA M. IGNACIO,
24

25 RPR, CRR, CCRR, CLR, CSR No. 9830